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Third Biennial Meeting of States to Consider the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects
New York, 14-18 July 2008

Draft report of the Third Biennial Meeting of States to Consider the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects

I. Introduction

1. In its resolution 56/24 V, the General Assembly welcomed the adoption by consensus of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects and decided to convene a conference, no later than 2006, to review progress made in the implementation of the Programme of Action, the date and venue of which was to be decided by the Assembly at its fifty-eighth session. The Assembly also decided to convene a meeting of States on a biennial basis, commencing in 2003, to consider the national, regional and global implementation of the Programme of Action.

2. Pursuant to General Assembly resolutions 57/72 and 59/86, the first two biennial meetings were held in New York, from 7 to 11 July 2003 and from 11 to 15 July 2005. In accordance with Assembly resolutions 58/241 and 59/86, the United Nations Conference to Review Progress Made in the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects was held in New York from 26 June to 7 July 2006.

3. In its resolution 61/66, the General Assembly decided that the next biennial meeting of States to consider the national, regional and global implementation of the Programme of Action would be held no later than in 2008, in New York, and that the meeting of States to consider the implementation of the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons, would be held within the framework of the biennial meeting of States.

4. In its resolution 62/47, the General Assembly decided that the next biennial meeting of States would be held in New York from 14 to 18 July 2008.

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II. Organizational matters

A. Opening and duration

5. The Third Biennial Meeting of States to Consider the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects was held at United Nations Headquarters in New York from 14 to 18 July 2008, during the course of which 10 plenary meetings were held to consider the implementation of the Programme of Action.

6. The Secretary of the Third Biennial Meeting was Jarmo Sareva of the Department for General Assembly and Conference Management. The Office for Disarmament Affairs provided support on substantive issues.

7. The Third Biennial Meeting was opened by the High Representative for Disarmament Affairs, Sergio Duarte, who delivered a message from the Secretary-General. Mr. Duarte also conducted the election of the Chairperson of the Meeting.

B. Officers

8. At the 1st meeting, on 14 July 2008, the following officers were elected by acclamation:

Chairperson:

Mr. Dalius **Čekuolis** (Lithuania)

Vice-Chairpersons:

Bulgaria, Colombia, the Czech Republic, Egypt, El Salvador, Finland, Japan, Liberia, the Netherlands, the Republic of Korea, Sri Lanka, the Sudan, Switzerland and Trinidad and Tobago.

C. Adoption of the agenda

9. Also at the 1st meeting, the following provisional agenda (A/CONF.192/BMS/2008/L.1/Rev.1) was adopted:

1. Opening of the meeting by the High Representative for Disarmament Affairs.
2. Election of the Chairperson.
3. Statement of the Chairperson.
4. Message from the Secretary-General.
5. Adoption of the rules of procedure.
6. Adoption of the agenda.
7. Organization of work.
8. Election of other officers of the meeting.
9. Consideration of the implementation of the Programme of Action in all its aspects at the national, regional and global levels, including:

(a) International cooperation, assistance and national capacity-building;

(b) Stockpile management and surplus disposal;

(c) Illicit brokering in small arms and light weapons;

(d) Other issues, including those issues mentioned in paragraph 18 of the report of the Second Biennial Meeting (A/CONF.192/BMS/2005/1), and identification of priority issues or topics of relevance in the illicit trade in small arms and light weapons in all its aspects and of their implementation challenges and opportunities.

10. Statements by non-governmental organizations and civil society.

11. Consideration of the implementation of the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons.

12. Consideration of the draft final documents.

13. Consideration and adoption of the report of the meeting.

10. At the same meeting, the programme of work (A/CONF.192/BMS/2008/L.2/Rev.1) was considered and adopted.

D. Rules of procedure

11. Also at the 1st meeting, it was decided that the rules of procedure of the 2001 United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (A/CONF.192/L.1) would be applied mutatis mutandis.

12. At the same meeting, in accordance with paragraphs (a) and (b) of rule 63 of its rules of procedure, a decision was taken on the participation of non-governmental organizations in the work of the Third Biennial Meeting.

E. Documentation

13. The documentation of the Third Biennial Meeting is contained in document A/CONF.192/BMS/2008/INF.3.

14. National reports on the implementation of the Programme of Action were submitted to the Third Biennial Meeting on a voluntary basis by the following 105 States: Andorra, Algeria, Angola, Argentina, Armenia, Australia, Austria, Bahrain, Belarus, Benin, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burkina Faso, Burundi, Cambodia, Canada, Chile, China, Colombia, the Congo, Côte d'Ivoire, Croatia, Cuba, Cyprus, the Czech Republic, Denmark, Djibouti, Ecuador, Egypt, Estonia, Ethiopia, Finland, Georgia, Germany, Greece, Guatemala, Hungary, India, Iceland, Iran (Islamic Republic of), Ireland, Israel, Italy, Jamaica, Japan, Kazakhstan, Kenya, Latvia, Lebanon, Lesotho, Liberia, Liechtenstein, Lithuania, Mali, Malta, Mauritius, Mexico, Moldova, Morocco, Mozambique, Namibia, the Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Pakistan, Panama, Paraguay, Peru, the Philippines, Poland, Portugal, Qatar, the Republic of Korea, Romania, the Russian Federation, Rwanda, Senegal, Serbia, Sierra Leone, Slovakia,

Slovenia, South Africa, Spain, Sri Lanka, the Sudan, Swaziland, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Turkey, Uganda, Ukraine, the United Kingdom of Great Britain and Northern Ireland, the United Republic of Tanzania, United States of America, Uruguay and Zimbabwe. The reports are available at http://disarmament.un.org/cab/bms3/1BMS3Pages/1National%20Reports%202008.html. In addition, the United Nations Institute for Disarmament Research (UNIDIR) submitted a draft report entitled "Implementing the United Nations Programme of Action on Small Arms and Light Weapons. Analysis of the National Reports Submitted by States from 2002 to 2008" (see http://disarmament.un.org/cab/bms3/1BMS3Pages/Bkgrd_UNIDIRprelimAnalysis/UNIDIRprelimAnalysis.pdf).

III. Proceedings

A. Consideration of the implementation of the Programme of Action in all its aspects at the national, regional and global levels

1. International cooperation, assistance and national capacity-building

15. At its 1st and 2nd meetings, on 14 July 2008, the meeting discussed agenda item 9 (a). At the 1st meeting, the representative of UNIDIR introduced the UNIDIR study of international cooperation and assistance and responded to questions raised during the discussion. At the 2nd meeting, the Chief of the Conventional Arms Branch of the Office for Disarmament Affairs gave a presentation on the Programme of Action Implementation Support System. At the 1st, and 2nd meetings and at the 3rd meeting on 15 July 2008, statements were made by representatives of the following countries: Algeria, Australia, Austria, Barbados (on behalf of the Caribbean Community), Benin, Brazil (on behalf of MERCOSUR member and associated States Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Paraguay, Peru, Uruguay and Venezuela (Bolivarian Republic of)), Burundi, Canada, China, Colombia, the Congo, Ecuador, Finland, France (on behalf of the States Members of the United Nations that are members of the European Union and Albania, Armenia, Bosnia and Herzegovina, Croatia, Georgia, Moldova, Montenegro, Serbia, the former Yugoslav Republic of Macedonia, Turkey and Ukraine, which aligned themselves with the statement), Gabon, Guyana, Honduras (on behalf of member countries of the Central American Integration System and associated States and Mexico), India, Indonesia (on behalf of the Non-Aligned Movement), Indonesia (national statement), Iran (Islamic Republic of), Iraq, Japan, Kenya, the Netherlands, New Zealand, Nigeria (on behalf of the African Group) and in making its own national statement, Norway, Paraguay, the Philippines, the Russian Federation, Sierra Leone, South Africa, Sri Lanka, Sweden, Switzerland, Trinidad and Tobago, Turkey, Uganda, Ukraine, the United Kingdom of Great Britain and Northern Ireland and the United Republic of Tanzania. Statements were also made by the representatives of the International Committee of the Red Cross, the Regional Centre on Small Arms and Light Weapons in the Great Lakes Region, the Horn of Africa and Bordering States, the United Nations Development Programme (UNDP), the United Nations Children's Fund (UNICEF) and the United Nations Office on Drugs and Crime. International cooperation, assistance and national capacity-building were discussed throughout the proceedings as a cross-cutting theme relevant to all themes.

2. Stockpile management and surplus disposal

16. At its 3rd meeting, under agenda item 9 (b), an introductory statement was made by Jürg Streuli, Permanent Representative of Switzerland to the Conference on Disarmament. Statements were also made by representatives of the following countries: Albania, Australia, Barbados (on behalf of the Caribbean Community), Belarus, Benin, Brazil (on behalf of MERCOSUR member and associated States Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Paraguay, Peru, Uruguay and Venezuela (Bolivarian Republic of)), Burundi, Canada, Chile, China, France (on behalf of the States Members of the United Nations that are members of the European Union and Albania, Armenia, Bosnia and Herzegovina, Croatia, Georgia, Moldova, Montenegro, Serbia, the former Yugoslav Republic of Macedonia, Turkey and Ukraine, which aligned themselves with the statement), Gabon, Germany, India, Indonesia, Israel, Italy, Japan, Kenya, Liberia, Malaysia, Namibia, the Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Paraguay, Qatar (on behalf of the Group of Arab States), the Russian Federation, Senegal, South Africa, United Kingdom of Great Britain and Northern Ireland, Uruguay and Yemen.

3. Illicit brokering in small arms and light weapons

17. At its 4th meeting, on 15 July 2008, under agenda item 9 (c), an introductory statement was made by a consultant to the 2006-2007 Group of Governmental Experts on illicit brokering. Statements were also made by representatives of the following countries: Algeria, Australia, Barbados (on behalf of the Caribbean Community), Belarus, Benin, Brazil (on behalf of MERCOSUR member and associated States Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Paraguay, Peru, Uruguay and Venezuela (Bolivarian Republic of)), China, Colombia, the Congo, Cuba, the Dominican Republic, Ethiopia, Finland, France (on behalf of the States Members of the United Nations that are members of the European Union and Albania, Armenia, Bosnia and Herzegovina, Croatia, Georgia, Moldova, Montenegro, Serbia, the former Yugoslav Republic of Macedonia, Turkey and Ukraine, which aligned themselves with the statement), France (national statement), Gabon, India, Iran (Islamic Republic of), Israel, Italy, Japan, Kenya, Lithuania, Mali, Mexico, the Netherlands, Norway, Pakistan, the Republic of Korea, the Russian Federation, Sierra Leone, Switzerland, Turkey, the United Kingdom of Great Britain and Northern Ireland and Viet Nam. In addition, statements were made by the representatives of the International Committee of the Red Cross and the Regional Centre on Small Arms and Light Weapons in the Great Lakes Region, the Horn of Africa and Bordering States.

4. Other issues, including those issues mentioned in paragraph 18 of the report of the Second Biennial Meeting (A/CONF.192/BMS/2005/1), and identification of priority issues or topics of relevance in the illicit trade in small arms and light weapons in all its aspects and of their implementation challenges and opportunities

18. At its 5th and 6th meetings, on 16 July 2008, under agenda item 9 (d), statements were made by representatives of the following countries: Angola, Australia, Barbados (on behalf of the Caribbean Community), Brazil (on behalf of MERCOSUR member and associated States Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Paraguay, Peru, Uruguay and Venezuela (Bolivarian Republic of)), Burkina Faso, Burundi, Canada, Colombia, Congo, the Democratic Republic of

the Congo, France (on behalf of the States Members of the United Nations that are members of the European Union), Ghana, Iceland, India, Indonesia, Iran (Islamic Republic of), Israel, Jamaica, Japan, Kenya, Mali, Mexico, New Zealand, Norway, Pakistan, Papua New Guinea, the Philippines, the Russian Federation, Saudi Arabia, Serbia, South Africa, Switzerland, the former Yugoslav Republic of Macedonia and the United Kingdom of Great Britain and Northern Ireland.

5. Statements by intergovernmental organizations, specialized agencies and United Nations organs

19. At its 6th meeting, under the Chairmanship of the Vice-Chairperson, Johannes C. Landman (Netherlands), a statement was made by the representative of Togo (on behalf of the Economic Community of Western African States). Statements were also made by the representatives of the following intergovernmental organizations: the League of Arab States, the International Criminal Police Organization (INTERPOL), the African Union, the North Atlantic Treaty Organization (NATO), the Organization of American States (OAS), the World Health Organization (WHO), the Organization for Security and Cooperation in Europe (OSCE), the Regional Centre on Small Arms and Light Weapons in the Great Lakes Region, the Horn of Africa and Bordering States, the East African Community, the International Conference on the Great Lakes Region and the Central American Integration System. Statements were also made by representatives of the following United Nations bodies: the United Nations Human Settlements Programme (UN-Habitat) and the Office for Disarmament Affairs, on behalf of the United Nations Coordinating Action on Small Arms mechanism.

6. Statements by non-governmental organizations and civil society

20. At its 6th meeting, and at its 7th meeting on 17 July, under agenda item 10, statements were made by the representatives of the International Action Network on Small Arms and the World Forum on the Future of Sport Shooting Activities. Also at its 7th meeting, statements were made by the representatives of Egypt, the United Kingdom and Australia.

B. Consideration of the implementation of the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons

21. At its 7th and 8th meetings, on 17 July, under the chairmanship of the Vice-Chairperson, Maged A. Abdelaziz (Egypt), in considering agenda item 11, an introductory statement was made by a representative of the Small Arms Survey. Statements were also made by the representatives of the following countries: Algeria, Argentina, Australia, Barbados (on behalf of the Caribbean Community), Benin, Bolivia, Brazil (on behalf of MERCOSUR member and associated States Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Paraguay, Peru, Uruguay and Venezuela (Bolivarian Republic of)), China, Colombia, the Dominican Republic, El Salvador, France (on behalf of the States Members of the United Nations that are members of the European Union and Albania, Armenia, Bosnia and Herzegovina, Croatia, Georgia, Moldova, Montenegro, Serbia, the former Yugoslav Republic of Macedonia, Turkey and Ukraine, which aligned themselves with the statement),

Germany, Ghana, Guatemala, India, Indonesia, Iran (Islamic Republic of), Israel, Italy, Japan, Kenya, Lithuania, Mali, the Netherlands, Nigeria, Norway, Paraguay, Peru, the Republic of Korea, the Russian Federation, South Africa, Switzerland, the United States of America, Uruguay and Zambia. Statements were also made by the representatives of the Regional Centre on Small Arms and Light Weapons in the Great Lakes Region, the Horn of Africa and Bordering States and the International Committee of the Red Cross.

IV. Adoption of the report

22. At the 9th and 10th meetings, on 18 July, under agenda items 12 and 13, it was decided to include in the current report the outcome on agenda items 9 (see text under para. 23) and 11 (see annex).

23. The draft report of the Third Biennial Meeting of States to Consider the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (A/CONF.192/BMS/2008/L.3/Rev.1) was adopted at the 10th meeting. The outcome of the Third Biennial Meeting read as follows:

I. International cooperation, assistance and national capacity-building

1. States discussed the efforts undertaken by recipient and donor States to promote information exchange, practical cooperation, national experiences, and lessons learned, as well as the role played by international, regional, subregional and civil society organizations in providing assistance to States in building national capacity for the effective implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects. They welcomed the efforts undertaken to date, but underlined the need to do more in this area.

2. States considered steps to enhance understanding of the existing bilateral and multilateral mechanisms for addressing assistance needs and for matching needs with the available resources. In this regard, they welcomed the establishment, by the Office for Disarmament Affairs, of the Programme of Action Implementation Support System as well as the database for matching needs and resources established by the United Nations Institute for Disarmament Research (UNIDIR), which, together with the Implementation Support System, will form a "one-stop shop" for information on the implementation of the Programme of Action and an integrated clearing house for international cooperation and assistance for capacity-building in the area of small arms and light weapons.

3. States underlined that while the specific format for presenting assistance needs was the prerogative of States, the value of assistance proposals would be enhanced if they were formulated as concrete projects with measurable goals as part of relevant national plans, where applicable, and posted on the Programme of Action Implementation Support System. It was also emphasized that national reports could be used as a tool for communicating assistance

needs and information on the resources and mechanisms available to address such needs. States also noted that the task of preparing national reports could be made easier through the further development of elements of standardization in reporting, and called on countries that have not yet done so to submit reports in a timely manner.

4. States noted that national coordinating bodies could play an important role in facilitating and furthering the assistance and cooperation process. States in a position to do so could provide assistance to such bodies, as appropriate, in order to improve the capacity of States to formulate project proposals, mobilize resources, share information and coordinate and implement programmes for the effective implementation of the Programme of Action.

5. States noted that assistance and cooperation include technical and financial support, the provision of expertise and technology, networking and information-sharing on implementation experiences.

6. States stressed the importance of regional approaches to the implementation of the Programme of Action and the usefulness, therefore, of convening regional meetings sponsored by interested States and international, regional and subregional organizations in a position to do so. They welcomed a coordinating role by the United Nations, where needed, in setting up such regional meetings, in particular in the years between the biennial meetings of States. They also encouraged the active involvement of civil society organizations in such meetings.

The way forward

7. Recognizing that the provision of international cooperation and assistance, including assistance for national capacity-building, is an overarching theme, essential to the full and effective implementation of the Programme of Action, States highlighted the following measures:

(a) States should enhance information exchange on national experiences and lessons learned in the implementation of the Programme of Action;

(b) States are encouraged to enhance practical cooperation among stockpile management, law enforcement, judicial, and border and customs control agencies with a view to combating the illicit trade in small arms and light weapons across borders, as well as related criminal activities (terrorism, organized crime, trafficking in drugs and precious minerals). Regional and subregional organizations could facilitate such cooperation, including by supporting the establishment, as appropriate, of regional and/or subregional networks for information-sharing;

(c) States should continue their efforts to review past and existing international cooperation and assistance practices and activities with a view to conducting action-oriented research, gathering relevant data, assessing the effectiveness of projects and activities and identifying lessons learned;

(d) States, as well as international and regional organizations in a position to provide assistance, are encouraged to provide information about the resources they have available for assisting States in the implementation of the

Programme of Action, for example, in their national reports, and to enhance their efforts to coordinate such assistance;

(e) States with knowledge and expertise on various aspects of the implementation of the Programme of Action, such as the development of adequate legislation, regulations and administrative procedures, as well as investigative techniques to combat trafficking in small arms and light weapons, should give serious consideration to offer such expertise to interested States in order to further improve implementation of the Programme of Action;

(f) States, international and regional organizations in a position to do so are encouraged to seriously consider rendering technical and financial assistance, including small arms funds, measures to facilitate technology transfer and assistance for the implementation of regional instruments;

(g) States should make an effort to develop capacity to assess their assistance needs and to translate them into concrete projects with measurable goals, as part of relevant national plans, where applicable: the United Nations, as well as regional, subregional and civil society organizations, could play a role in assisting States, upon request, in building such capacity;

(h) In the preparation of national action plans, States could consider including information that clearly specifies the type of international assistance they need, and the resources that they can mobilize nationally;

(i) States could also make increasing use of their national reports as another tool for communicating assistance needs and information on the resources and mechanisms available to address such needs, including the further development of standard elements for reporting, which could facilitate this process;

(j) States and international, regional and subregional organizations in a position to do so should continue to support the establishment and functioning of national coordination bodies as they can assist States in mobilizing and coordinating international cooperation and assistance;

(k) States are encouraged to support and make full use of existing mechanisms that support implementation of the Programme of Action and the matching of needs with resources, such as the Programme of Action-Implementation Support System and the UNIDIR database on international cooperation and assistance, including through technical and financial support and the provision of timely inputs to those mechanisms;

(l) States encourage the efforts of regional and subregional organizations to strengthen cooperation among themselves, including through information-sharing, consultation and coordination, as such cooperation has the potential to create synergies and to promote a coherent approach to the implementation of the Programme of Action at the regional level;

(m) States reaffirm that civil society plays an important role in the implementation of the Programme of Action and in assisting Governments to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects;

(n) States support the convening of regional meetings, sponsored by interested States and international, regional and subregional organizations in a position to do so, to consider and advance the implementation of the Programme of Action at the regional level;

(o) States are encouraged to consider convening periodic meetings of governmental experts to address key implementation challenges and opportunities relating to particular issues and themes, including international cooperation and assistance.

II. Illicit brokering

8. States noted the negative impact of illicit brokering on security, stability, conflict resolution, development, crime prevention, drug trafficking, humanitarian assistance, international humanitarian law and the implementation of arms embargoes and reaffirmed that illicit brokering in small arms was a serious problem that needed to be urgently addressed by the international community.

9. It was noted that, although 50 Member States had reported that brokering was already covered by existing export control legislation and 30 Member States reported that they were developing national brokering controls, much more needed to be done in order to ensure that all States put adequate legislation and controls in place.

10. States considered the current state of national legislation and administrative procedures on brokering and reaffirmed their commitment to develop, strengthen and implement such legislation and/or procedures, as needed. They underlined, in this regard, that laws, regulations and administrative procedures would be more effective if they were integrated into national export control systems and also acknowledged that, although significant regional differences exist in the character and frequency of illicit brokering, it was, by definition, a global problem since the lack of adequate legislation in any State or region facilitated the activities of unscrupulous arms brokers.

11. States noted that the report of the Group of Governmental Experts to consider further steps to enhance international cooperation in preventing, combating and eradicating illicit brokering in small arms and light weapons[1] had provided a set of key recommendations to address the challenges posed by illicit brokering in small arms and light weapons. Underscoring the need to consider further steps to implement those recommendations, States stressed the importance of adopting a comprehensive approach to the issue of illicit brokering in small arms and light weapons, which could include associated activities, such as financing and transportation, in relevant regulations.

12. States noted the importance of end-user certification, including verification measures, in addressing the problem of illicit brokering.

13. States took note of the importance of regional and international initiatives, the adherence to and implementation of relevant regional

[1] A/62/163 and Corr.1.

agreements and cooperation with subregional, regional and international organizations, such as the World Customs Organization, INTERPOL and civil aviation authorities, in preventing illicit arms brokering.

14. States also recognized the role of the United Nations in enhancing information-sharing on illicit brokering, including as part of national reporting on the implementation of the Programme of Action.

15. States exchanged views on the possibility of negotiating an international legally binding instrument on brokering in small arms and light weapons.

The way forward

16. Recognizing that addressing the problem of illicit brokering is essential to the full and effective implementation of the Programme of Action, States highlighted the following measures:

(a) States reaffirmed their commitment under the Programme of Action to develop adequate national legislation or administrative procedures regulating the activities of those who engage in small arms and light weapons brokering, including measures such as registration of brokers, licensing or authorization of brokering transactions, as well as the appropriate penalties for all illicit brokering activities performed within a State's jurisdiction and control;

(b) States acknowledged the importance of implementing the recommendations contained in the report of the Group of Governmental Experts on illicit brokering;[2] and in developing national legislation and administrative procedures in this area: States were also encouraged to take into account the elements of existing national legislation and regulation systems presented by the Group in its report;[3]

(c) States underlined the crucial importance of international cooperation in tackling the problem of illicit brokering in small arms and light weapons, including cooperation between national law enforcement agencies and judicial systems; and, furthermore, States and appropriate international and regional organizations in a position to do so were encouraged to increase their efforts, upon request, to make assistance, including assistance for national capacity-building, available to other States;

(d) States would consider working to advance the process initiated by the General Assembly on illicit brokering in order to reach agreements and establish mechanisms to find effective solutions to this problem.

III. Stockpile management and surplus disposal

17. States stressed that decision-making on stockpile management, including the identification of surplus small arms and light weapons and measures regarding surplus disposal, was a national prerogative.

[2] Ibid., sect. V.
[3] Ibid., sect. III.

18. States recognized that poorly managed and inadequately secured stockpiles of small arms and light weapons posed a serious security threat.

19. States stressed the need for raising awareness, as applicable, among relevant national authorities of the critical importance of putting in place adequate systems and procedures for national stockpile management.

20. The meeting noted that the identification of surplus small arms and light weapons was facilitated by the existence of effective national stockpile management systems and that the existence of adequate marking and record-keeping and tracing systems were factors that enhanced the effectiveness of stockpile management.

21. States acknowledged that the proper management of stockpiles of small arms and light weapons could be both efficient and cost-effective. It could help to prevent accidents and to reduce the risk of diversion and proliferation and could help to reduce surplus accumulation and replacement rates. Such management also served to improve the reliability of stocks of small arms and light weapons.

22. States further acknowledged that effective national stockpile management and surplus disposal required corresponding national laws, regulations and administrative procedures, including provisions for enhanced safety and security. Establishing effective regulations, standards and procedures for the management of stocks implied expending resources, inter alia, for:

(a) Setting up measures and infrastructure designed to improve the physical security of stockpiles, including control of access to stocks;

(b) Relocating existing stockpiles, where necessary;

(c) Procuring information technology and equipment required for inventory management;

(d) Staff recruitment and training;

(e) Building capacity to detect breaches of established standards and procedures.

23. States also noted that the proper identification and responsible disposal of their surplus stocks, preferably through destruction, required resources, inter alia, to:

(a) Assess their stockpile requirements through inter-agency cooperation and information exchange;

(b) Procure and operate destruction equipment;

(c) Develop systems and procedures for the secure transport and safeguarding of their stocks prior to destruction;

(d) Recruit and train staff;

(e) Minimize the environmental impacts of destruction programmes, in particular, removal and clean-up;

(f) Develop measures to record destroyed items;

(g) Support destruction.

24. States recognized that the full and regular review of existing management, safety and security measures was the first step towards improving stockpile management.

25. States noted that it was important for competent national authorities to have accurate information on the condition and size of the national stockpile of small arms and light weapons in determining national requirements. To that end, comprehensive inventory and accounting systems needed to be established in order to enable States to effectively classify, account and record stockpile movements.

26. States acknowledged that the physical condition of national stockpiles needed to be regularly assessed to detect and prevent deterioration.

The way forward

27. Recognizing that effective stockpile management and responsible surplus disposal are essential to the full and effective implementation of the Programme of Action, States highlighted the following measures:

(a) States are encouraged to conduct full and regular reviews of their national stocks of small arms and light weapons in order to systematically identify surplus or obsolete small arms and light weapons;

(b) States should continue efforts to review their national stockpile management policies and practices and to put in place adequate stockpile management systems, including appropriate facilities, record-keeping and accounting systems and procedures for access control and the safe and secure storage of small arms and light weapons, which may require the review and strengthening of relevant laws, regulations and administrative procedures;

(c) States should enhance cooperation and the exchange of information and national experiences in the area of stockpile management, taking into account the important role of the United Nations and regional and subregional organizations in this regard, particularly in the compilation of lessons learned and the development of practical guidelines for national stockpile management;

(d) States as well as international, regional and subregional organizations in a position to do so are encouraged to provide, upon request, technical and financial support to build the capacity of affected States to adequately manage their stockpiles of small arms and light weapons, which could, inter alia, encompass the following areas:

- Development or strengthening of relevant laws, regulations and administrative procedures;
- Establishment of effective stockpile management systems and security measures;
- Destruction of surplus and confiscated small arms and light weapons;
- Relocation of small arms and light weapons storage depots, where necessary;

- Sustainable capacity-building, including education and training of national personnel in stockpile management and security and in the destruction of surplus small arms and light weapons using safe and environmentally benign methods;
- Development of standards, guidelines and checklists;

(e) Stockpile management and security and the destruction of surplus small arms and light weapons could be a component in the planning and conduct of peace support operations, including programmes for the disarmament, demobilization and reintegration of former combatants in post-conflict situations;

(f) States or multilateral organizations in a position to offer assistance for stockpile management and surplus disposal/destruction are encouraged to disseminate information on available resources and expertise as widely as possible and are also encouraged to provide detailed information in their national reports on the specific area in which they could offer assistance to other States;

(g) States are encouraged, as appropriate, to make use of multilateral mechanisms for purposes of matching needs and resources;

(h) States may consider including in their national reports information on measures undertaken to address small arms and light weapons stockpile management, which could involve comprehensive information on the scale of surplus destruction activities in their countries, including on assistance provided and received in this regard.

IV. Other issues

28. During the discussion of agenda item 9 (d), without prejudice to the views of other States, some States indicated that in their view certain issues were important to the implementation of the Programme of Action. These issues included:

(a) Controls on production and supply, including re-export;

(b) Illicit manufacturing, including unlicensed manufacturing;

(c) Prohibiting the supply of small arms and light weapons to non-State actors and terrorists;

(d) End-user certification and verification, including standardization;

(e) Strengthening border controls;

(f) Monitoring air and maritime transport, including illicit air transport;

(g) Civilian possession of small arms and light weapons;

(h) Ammunition for small arms and light weapons and explosives;

(i) Linkages between terrorism, organized crime, trafficking in drugs and precious minerals and the illicit trade in small arms and light weapons;

(j) Linkages between security, armed violence, development and human rights;

(k) Security sector and governance reform;

(l) Private security providers;

(m) Community-based policing;

(n) Gender perspectives;

(o) Addressing the special needs of children;

(p) Victim assistance;

(q) Demand;

(r) Addressing root causes of the illicit trade in small arms and light weapons;

(s) Promotion of a culture of peace and dialogue;

(t) Enhanced cooperation among all stakeholders;

(u) Enhanced partnerships with civil society and the private sector;

(v) The Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition,[4] supplementing the United Nations Convention against Transnational Organized Crime;[5]

(w) Measuring progress in the implementation of the Programme of Action, including review conferences;

(x) Transforming the Programme of Action into legally binding form.

29. During the Third Biennial Meeting, States emphasized the importance of national reporting to the full and effective implementation of the Programme of Action. They also considered various ideas and proposals for a forward-looking implementation agenda for the Programme of Action, including:

(a) Reporting on a biennial basis, reporting templates and the analysis of reports;

(b) Follow-up meetings on the Programme of Action, including periodic meetings of governmental experts;

(c) Regional meetings that could be used to support subsequent United Nations meetings on the Programme of Action.

[4] General Assembly resolution 55/255.

[5] General Assembly resolution 55/25.

Annex

Draft outcome on the implementation of the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons

I. Introduction

1. In the context of the Third Biennial Meeting of States to Consider the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, States considered the implementation of the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons.[a] They noted that the Third Biennial Meeting represented the first opportunity, since its adoption on 8 December 2005, to consider the implementation of the International Instrument, in accordance with its paragraph 37.

2. At the time of convening the Third Biennial Meeting, 100 States had already submitted national reports that included information on the implementation of the International Instrument. Through national reports, States provided information on their experiences in its implementation and provided information on bilateral, regional and international cooperation and assistance efforts they had provided or could provide. They also provided information on the difficulties they had encountered in implementing the International Instrument and highlighted areas where international cooperation and assistance could help to advance its implementation.

II. Implementation of the International Instrument

3. States noted that laws, regulations and administrative procedures related to the implementation of the International Instrument have been integrated into the national processes of many States, in accordance with its paragraph 24, and that the process of strengthening national implementation in a number of States was under way:

(a) Marking:[b] States considered the extent to which they had succeeded in enacting national regulations and procedures for marking small arms and light weapons within their territories, including marking at the time of their production and/or importation. They highlighted that import marking can greatly facilitate the tracing of illicit small arms and light weapons. In this regard, non-manufacturing States expressed the need for assistance;

(b) Record-keeping:[c] States considered accurate and comprehensive record-keeping for all marked small arms and light weapons on their territory to be necessary for the implementation of the International Instrument, in accordance with its paragraph 11. A number of States were seeking assistance in the acquisition of

[a] See A/CONF.192/BMS/2008/WP.4, A/60/88 and Corr.2, annex.
[b] Ibid., sect. III.
[c] Ibid., sect. IV.

hardware and software to improve national record-keeping capacity. Requests for support by some States in training national personnel in records management were noted;

(c) Cooperation in tracing:[d] States welcomed the fact that a significant number of countries had already nominated national point(s) of contact for the implementation of the International Instrument. States were encouraged, where appropriate, in accordance with paragraph 35 of the Instrument, to make full use of the mechanisms and facilities of the International Criminal Police Organization (INTERPOL) in implementing it. States highlighted the importance of training law enforcement officials in the identification and tracing of small arms and light weapons and of putting in place effective tracing mechanisms in the context of all forms of crime and conflict situations.

III. International cooperation and assistance in implementation of the International Instrument

4. States took note of existing bilateral cooperation efforts for the effective implementation of the International Instrument and encouraged further efforts in this regard.

5. States took note of the regional workshops on the implementation of the International Instrument organized by the Office for Disarmament Affairs prior to the Third Biennial Meeting, which had proved to be useful instruments for enhancing understanding of the instrument, familiarizing officials with some of the technical tools available for helping States in tracing illicit small arms and light weapons, including those developed by INTERPOL, and exchanging information on their experiences. Those included the workshops in: Nairobi on 10 and 11 December 2007 for States of Northern, Eastern and Southern Africa; Lome on 17 and 18 April 2008 for States of West and Central Africa; in Seoul on 27 and 28 May 2008 for States of Asia and Pacific; and in Rio de Janeiro on 11 and 12 June 2008 for States of Latin America and the Caribbean.

6. Some States emphasized that regional organizations could provide a useful institutional platform for information exchange and cooperation on the implementation of the International Instrument. States took note of some examples of existing cooperation frameworks and mechanisms, including: exchange of information in the context of the Organization for Security and Cooperation in Europe on national practices and regulations related to implementation of the International Instrument; exchange of information between the States members of the Caribbean Community on experiences regarding illicit trafficking of arms and ammunitions throughout the Caribbean region; information exchange between national law enforcement agencies in the context of the Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials; the practical assistance provided by the Regional Centre on Small Arms and Light Weapons in the Great Lakes Region, the Horn of Africa and Bordering States, including the provision of marking machines and training to its member States; the work of the Southern African Regional Police Chiefs Cooperation Organization as part of a cooperation arrangement between the

[d] Ibid., sect. V.

Southern African Development Community and INTERPOL; the cooperation framework established by the Economic Community of West African States under its Small Arms Control Programme; use of the Schengen Information System to share information on missing weapons in States belonging to the Schengen area; cooperation under the European Network of Forensic Science Institutes, which had developed common standards for the exchange of information on the tracing of weapons; the establishment and operation of a common weapons tracing system for Nordic countries; electronic exchange of information and data on marking within the framework of the Brussels Convention for the reciprocal recognition of proof marks on small arms;[e] international cooperation between customs authorities in States of the Balkan region; and joint seminars, workshops and training programmes.

7. At the global level, States highlighted the importance of international cooperation, assistance and capacity-building for the effective implementation of the International Instrument, in accordance with its relevant paragraphs. States in a position to do so are encouraged to seriously consider international cooperation and assistance in examining technologies that would improve the tracing and detection of illicit small arms and light weapons, as well as measures to facilitate the transfer of such technologies.

8. Some States stressed the importance of adopting a legally binding tracing instrument as a natural development of the Programme of Action. Other States believed that the character of the Instrument had already been decided through negotiations and that the critical task now was to implement it.

The way forward

9. With a view to ensuring the full and effective implementation of the International Tracing Instrument, States agreed on the following measures:

(a) Weapons marking, record-keeping and tracing are mutually reinforcing activities that should be an integral part of national efforts to control small arms and light weapons. In this context, States in a position to do so would, upon request, seriously consider rendering technical, financial and other assistance, both bilaterally and multilaterally, in building national capacity in the areas of marking, record-keeping and tracing in order to support the effective implementation of the International Instrument by States;

(b) States that had not yet done so were encouraged to bring national laws, regulations and administrative procedures in line with the International Instrument, in particular regarding marking, record-keeping and cooperation in tracing;

(c) States that had not yet done so were encouraged to designate national points of contact to exchange information and carry out liaison on all matters relating to the implementation of the International Instrument. Interaction between national points of contact for the purpose of its implementation was to continue and be further enhanced at the bilateral, regional and international levels;

(d) In reporting on their implementation of the International Instrument, in accordance with its paragraph 36, States were encouraged to include, where appropriate, national experiences in tracing illicit small arms and light weapons, as

[e] United Nations, *Treaty Series*, vol. 795, No. 11325.

well as quantitative data that would enable States to assess the effectiveness of the Instrument in enhancing cooperation in tracing, as well as measures taken in the field of international cooperation and assistance;

(e) States were encouraged to support the role of the United Nations in promoting the International Instrument and in building national capacity for its effective implementation. States were also encouraged to support the role of INTERPOL in assisting in the implementation of the Instrument, including the further development and promotion of the INTERPOL Weapons Electronic Tracing System and other mechanisms aimed at facilitating the tracing of illicit small arms and light weapons by States;

(f) The web-based Programme of Action Implementation Support System can become a useful tool for practitioners and policymakers involved in the implementation and reporting procedures for the International Instrument. States were encouraged to benefit from this resource, as required, and to support it, where appropriate;

(g) The role of civil society in advancing the implementation in the areas of increasing public awareness and capacity-building was acknowledged. Governments may choose to benefit, to the extent they deem useful, from that role.